

REMARKS

Claims 1-18, 28, 30-38 and 40-48 are pending in this application. Claims 1, 7, 18, 28 and 30 are independent.

Claims 18, 30-38, 40 and 41 are allowed. Claims 3-5, 9-17, 42-44 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to take this opportunity to thank the Examiner for the indication of allowable subject matter.

By this amendment, Applicants have amended claims 3, 5, 6, 9, 13, 14, 18, 28, 30, 32, 33 and 36, have canceled claims 1, 2, 7, 8 and 29 without prejudice or disclaimer and have added new claims 49 and 50. Amendments to allowed claims 18 and 30 are directed to the preambles.

No new matter has been introduced as a result of this Amendment. Applicants respectfully request reconsideration of the currently pending claims in view of the foregoing amendments and the following remarks.

Claim Objections:

Claims 5, 42 and 43 have been objected to because of various informalities. In that regard, Applicants have amended claim 5 to depend from amended claim 3. Applicants also have amended claim 28, upon which claims 42 and 43 depend, to include a reference to additional data, which Applicants believe addresses the objections raised against claims 42 and 43.

Accordingly, Applicants respectfully request that the objections of claims 5, 42 and 43 be withdrawn.

Claims 9 to 17 were objected to as being dependent upon a rejected base claim, but have been identified in the Office Action as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have rewritten claim 9 in independent form to include the limitations of the base claim and any intervening claims – namely, independent claim 7 and dependent claim 8, which, in turn, are cancelled herein.

Accordingly, Applicants respectfully request that the objections to claims 9 to 17 be withdrawn.

Rejections under 35 U.S.C. 102(b):

Claims 1, 2, 6-8, 28, 29 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,822,701 to Tomisato et al. (“Tomisato”).

As previously indicated, claim 1, 2, 7, 8 and 29 have been cancelled.

Claim 6 depends from claim 5, which has been amended to depend from claim 3, which, in turn, has been rewritten in independent form, as suggested in the Office Action, to include the limitations of the base claim and any intervening claims – namely, independent claim 1 and dependent claims 2.

Accordingly, Applicants respectfully submit that claim 3, as amended, is now allowable, as are claims 5 and 6 by way of their dependency on claim 3.

Applicants have amended claim 28 to include the additional feature of the determination of the additional data limit and, where the additional data limit is greater than zero, the incorporation into a data stream of an amount of additional data that is less than, or equal to,

the additional data limit, to correspond with the subject matter of amended claim 3. Applicants also note that Tomasito fails to disclose the determination of an additional data limit and, where the additional data limit is greater than zero, the incorporation of additional data into a data stream to synchronize bursts broadcast in one cell with corresponding bursts broadcast in another cell.

Accordingly, Applicants respectfully submit that amended claim 28, like amended claim 3, is now allowable. Claims 45 to 47 ultimately depend from claim 28, and thus, are allowable by way of their dependency.

New Claims:

Applicants have added new claims 49 and 50, which are computer readable medium counterparts to amended independent claims 3 and 9, respectively, and depend therefrom. Thus, new claims 49 and 50 are allowable by way of their dependency.

Dependent Claims:

Applicants do not believe it necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to address those rejections in the future should such a response be deemed necessary and appropriate.

CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided..

AUTHORIZATION

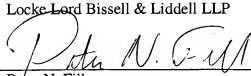
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 4208-4291.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 4208-4291.

Respectfully submitted,
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Dated: February 19, 2009

By: _____


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